

This version of the code is dated April 6, 2022 and reflects the Planning Commission recommendation with some additional edits. Changes recommended by the Planning Commission have been incorporated into this version. Additional edits made since the Planning Commission's recommendation are shown in track changes. Areas of the code that are highlighted in grey indicated sections that are clearly not applicable outside the city limits, inside the Urban Growth Boundary (UGB).

## **5.16-100 Property Line Adjustments**

### **Subsections:**

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### **5.16-105 Purpose and Applicability**

- A.** These regulations are intended for the review of Property Line Adjustments and are separate from Lane County Deeds and Records lot/parcel consolidation policies. A Property Line Adjustment is the relocation of a common boundary between 2 abutting properties. A Serial Property Line Adjustment is the relocation of more than 1 common property line involving 2 or more abutting properties. Serial Property Line Adjustments can be reviewed individually or combined in a single application as specified in SDC 5.16-115.
- B.** Property Line Adjustments may occur within a recorded Subdivision or Partition, as specified in this Section, as long as the adjustment is not a reconfiguration of or an increase or decrease of the number of lots in a Subdivision. In this case, the Replat review process specified in SDC 5.12-165 applies.

### **5.16-110 Special Situations**

- A.** Where the elimination of a lot/parcel line is desired within the boundary of a recorded Subdivision or Partition, the following options are available:
- 1.** A Replat shall be processed as specified in SDC 5.12-165; or
  - 2.** A Plat Vacation shall be processed as specified in SDC 5.20-100.
- B.** Where a property owner desires to construct a building over a common property line, and there are no easements abutting the property line, or a primary structure is proposed on 1 lot/parcel and a secondary structure is proposed on the other, the Director may require a deed restriction during the building permit and/or Site Plan

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- Review process that allows the construction of these structures. The lots/ parcels under the deed restriction shall be sold as 1 unit of land, unless the structures are removed.
- C.** The allocation of vacated public right-of-way to abutting properties as specified in ORS 271.140 and processed as specified in SDC 5.20-100 or a sale or grant of public right-of-way by the City as specified in ORS 92.010(7)(e) shall not be considered to be a Property Line Adjustment and thus shall not be subject to the provisions of this Section.
- D.** A Property Line Adjustment will not remove, relocate or replace any public easements on the lots/parcels.

<b>5.16-115</b>	<b>Review</b>
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- A.** Single Property Line Adjustments are reviewed under Type 1 procedure.
- B.** Serial Property Line Adjustments may be combined into a single application. If the latter occurs, serial Property Line Adjustments are reviewed under Type 2 procedure.

<b>5.16-120</b>	<b>Submittal Requirements</b>
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- A.** A Preliminary Survey shall be prepared, stamped and signed by an Oregon registered Land Surveyor. The format of the Preliminary Survey and the data to be shown shall be as follows:
- 1.** The Preliminary Survey shall be drawn in compliance with ORS 92.
  - 2.** The scale shall be appropriate to the area involved and the amount of detail and data, normally 1" = 20', 1" = 50' or 1" = 100'.
  - 3.** A north arrow, date of preparation and the title which shall include the following language: "Proposed Property Line Adjustment Survey."
  - 4.** The name and address of the property owners, and the applicant, if different.
  - 5.** A drawing of the boundaries of the lots/parcels/tracts of land involved, to include dimensions and square footage calculations.
  - 6.** The zoning and plan designation of the lots/parcels.
  - 7.** The existing property line and proposed property line, clearly differentiated by line type.

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8. The location and outline to scale of all existing structures to include their required setbacks from the current property lines and those from the proposed property line.
  9. The locations, widths and names of all existing streets, alleys, or other rights-of-way within or adjacent to the lots/parcels and the location and width of driveways.
  10. The location of all public and private easements and utility lines within or crossing the lots/parcels. For properties outside the city limits but within the City's urban service area, septic and drain fields shall be shown.
  11. Reference to the recorded Subdivision or Partition by name or reference number and blocks, lot/parcel numbers, where applicable.
- B.** The following additional information shall be submitted with the Preliminary Survey:
1. A brief narrative explaining reason for the proposed Property Line Adjustment and the existing use of the lots/parcels.
  2. A copy of the current deeds for the lots/parcels.
  3. If the applicant is not the property owner, written permission from all property owners is required.
  4. For serial Property Line Adjustments reviewed under Type 2 procedure, the following shall also be submitted:
    - a. A written explanation of the sequencing of adjustments; and
    - b. A diagram identifying each adjustment, in sequence.

(6267; 6238)

<b>5.16-125</b>	<b>Criteria</b>
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The Director shall approve, approve with conditions, or deny the Property Line Adjustment application. Approval or approval with conditions shall be based on compliance with the following criteria. The Property line Adjustment shall not:

- A.** Create a new lot/parcel;
- B.** Create a landlocked lot/parcel;

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- C. Reduce an existing lot/parcel below the minimum size standard or reduce setbacks below the minimum established by the applicable zoning districts in this Code;
- D. Violate any previous conditions the Approval Authority may have imposed on the lots/parcels involved in the application;
- E. Detrimentially alter the availability of existing public and/or private utilities to each lot/parcel in the application or to abutting lots/parcels; or
- F. Increase the degree of non-conformity of each lot, parcel or structure that is non-conforming at the time of application.

<b>5.16-130</b>	<b>Preliminary Approval</b>
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- A. If the Director determines that the Preliminary Survey satisfies the criteria of approval in SDC 5.16-125, or that conditions are necessary to satisfy the provisions of this Code, then the applicant shall be notified in writing and may proceed with the preparation of the required Final Survey.
- B. If the Director determines that the Preliminary Survey does not comply with the provisions of this Code, then the application shall be denied and the applicant so notified in writing.

<b>5.16-135</b>	<b>Conditions</b>
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- A. The following approval conditions shall be required:
  - 1. The submittal of a Final Survey; and
  - 2. Property Line Adjustment deeds, as specified in SDC 5.16-140.
- B. The following additional conditions of approval may be required:
  - 1. A public or private utility easement may be required to be vacated, relocated or created.
  - 2. A joint use/access and/or parking agreement.
  - 3. The signing of an Improvement Agreement for frontage improvements.

<b>5.16-140</b>	<b>Final Map Submittal, Compliance With Conditions and Recordation of Documents</b>
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- A. A Final Map shall be prepared, stamped and signed by an Oregon registered Land Surveyor as specified in ORS 92.010(7)(b), ORS 92.060(3) and ORS 209.250.
- B. One copy of the Final Survey shall be delivered to the Development Service Department together with any conditioned documents.
- C. Once the Director and City Surveyor have certified that all conditions listed under Preliminary Survey approval have been met, the Final Survey may be recorded at the Lane County Surveyor's Office.
- D. The owners of the lots/parcels included in the application shall record with Lane County Deeds and Records Property Line Adjustment deeds, as specified in ORS 92.190(4). The Property Line Adjustment deeds shall contain the names of the parties, the description of the adjusted line, reference to original recorded documents and signatures of all parties with proper acknowledgment. The Property Line Adjustment deeds shall also identify the Planning file number and shall contain a statement declaring that the purpose of the deeds is for a Property Line Adjustment. Reference to the affected properties by map and tax lot number shall be in addition to reference by legal description. In the case of serial Property Line Adjustments processed under Type II procedure, each Property Line Adjustment deed for the lots/parcels in the series shall be recorded separately, in the sequence of City approval.
- E. A copy of the recorded Final Map and deeds shall be delivered to the Development Services Department together with any other recorded documents that may have been required as a condition of approval.

#### **5.16-145 Expiration of Approval**

The Property Line Adjustment preliminary approval shall become null and void if:

- A. The Final Survey and any approval conditions have not been submitted to the City in a complete form within 90 days of the date of Preliminary Survey approval; or
- B. The Final Survey is not submitted to the Lane County Surveyor within 30 days of the City approval; or
- C. The Property Line Adjustment deed or other conditioned documents have not been recorded with Lane County Deeds and Records with the Final Survey.